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Franciscus L.A.J. Kamperman

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Michael E. Belk
Philips Intellectual Property & Standards
PO Box 3001
Briarcliff Manor, NY 10510

EXAMINER

KIM, JUNG W

ART UNIT

PAPER NUMBER

2132

DATE MAILED: 12/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/623,945

Applicant(s)

KAMPERMAN ET AL.

Examiner

Jung Kim

Art Unit

2132

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 October 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 and 14-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 14-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.


Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.


KAMBIZ ZAND
PRIMARY EXAMINER

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This Office action is in response to the RCE filed on 10/5/06.
2. Claims 1-4 and 14-30 are pending.
3. Claim 30 is new.

Continued Examination Under 37 CFR 1.114

4. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/5/06 has been entered.

Response to Amendment

5. The 101 rejections are withdrawn as the cancellation of claims 10 and 12 overcome the 101 rejection.

Response to Arguments

6. Applicant's arguments with respect to amended/new claims 1-4 and 14-30 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 112

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

9. Claim 1 recites the limitation "the encoded data" in line 4. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

10. Claims 1-4, 14-17 and 25-30 are rejected under 35 USC 102(e) as being anticipated by Chang et al. USPN 6,885,749 (hereinafter Chang)

11. As per claim 1, Chang discloses a method of encoding data, comprising the acts of: recoverably embedding supplemental data by inserting the supplemental data into encoded data using at least one parameter which is altered in order to embed the supplemental data; (col. 3:45-4:9; 6:52-58) deriving the at least one parameter from the data prior to encoding; (2:33-44; 3:14-27; 6:5-17) and encoding the data, the recoverably embedded supplemental data, and the altered at least one parameter, wherein the data is encoded using an algorithm that is determined by the altered at least one parameter. (7:2-28 and lines 52-61; Huffman encoding is based on the scrambled code book)

12. As per claim 2, Chang discloses a method of extracting supplemental data of encoded data as defined in claim 1. (Col. 7:62-8:13)

13. As per claim 3, Chang discloses a method of encoding input data, comprising the acts of: partitioning the data into frames; (col. 2:30-40; 3:14-27) determining a set of parameters for each frame; (2:33-44; 3:14-27; 6:5-17) reducing the data rate of the input signal by applying the algorithm determined by an affected parameter set whereby encoded data includes one of the set of parameters and at least data which can be used to derive the set of parameters, the data rate-reduced signal, and recoverably embedded supplemental data, wherein the set of parameters is affected by the supplemental data. (7:2-28 and lines 52-61; Huffman encoding is based on the scrambled code book)

14. As per claim 4, Chang further discloses a method of extracting information which is embedded in the parameter set of an encoded signal as defined in claim 3. (Col. 7:62-8:13)

15. As per claims 14 and 15, Chang discloses an arrangement for performing the method of claims 1 and 2. (Fig. 3)

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16. As per claims 16 and 17, Chang discloses an arrangement for performing the methods of claims 3 and 4. (Fig. 3)

17. As per claim 25, Chang discloses lossless encoding is used to encode the supplemental data. (Huffman encoding)

18. As per claim 26, Chang discloses the supplemental data is encoded bit by bit. (Col. 5:57-6:16)

19. As per claim 27, Chang discloses before the embedding, partitioning of the data into frames and determining a set of parameters for each frame, wherein the set of frames can be altered to embed the supplemental data. (Col. 2:30-40; 3:14-27; 6:5-17)

20. As per claim 28, Chang discloses the encoded data is used to derive the set of parameters. (Col. 2:33-44; 3:14-27; 6:5-17)

21. As per claim 29, Chang discloses the parameters are altered to a dedicated value in response to the supplemental data to be encoded. (Col. 7:2-28 and lines 52-61; Huffman encoding is based on the scrambled code book)

22. As per claim 30, Chang discloses a method of encoding data, comprising the acts of: analyzing data to determine a parameter; (col. 2:33-44; 3:14-27; 6:5-17) altering

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the parameter utilizing supplemental data; (3:45-4:9; 6:52-58) and encoding the data, the supplemental data and the altered parameter to derive the encoded data, wherein the encoded data is encoded by an algorithm determined by the altered parameter, and wherein the supplemental data is recoverable from the encoded data. (7:2-28 and lines 52-61; Huffman encoding is based on the scrambled code book)

23. Claims 3, 4, 16 and 17 are rejected under 35 U.S.C. 102(e) as being anticipated by Barbir USPN 6,122,379. (hereinafter Barbir)

24. As per claim 3, Barbir discloses a method of encoding input data, comprising the acts of: partitioning the data into frames; (fig. 8; col. 10:1-5) determining a set of parameters for each frame; (fig. 8; 10:5-10) reducing the data rate of the input signal by applying the algorithm determined by an affected parameter set whereby encoded data includes one of the set of parameters and at least data which can be used to derive the set of parameters, the data rate-reduced signal, and recoverably embedded supplemental data, wherein the set of parameters is affected by the supplemental data. (fig. 6)

25. As per claim 4, Barbir further discloses a method of extracting information which is embedded in the parameter set of an encoded signal as defined in claim 3. (fig. 7)

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26. As per claims 16 and 17, Barbir discloses an arrangement for performing the methods of claims 3 and 4. (figs. 1-3 and 9)

Claim Rejections - 35 USC § 103

27. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

28. Claims 18-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chang in view of Bloom et al. USPN 6,332,194. (hereinafter Bloom)

29. As per claims 18 and 20-22, the rejections of claims 1 and 2 under 35 USC 102(e) as being anticipated by Chang is incorporated herein. Chang does not disclose the arrangement for performing the method of claims 1 and 2 is a disc player for audio and audio-visual media. However, it is well known in the art to provide watermarking protection schemes embedded in a disc player for audio and audio-visual media. For example, Bloom discloses a method for data preparation and watermark insertion to manage copy generation of digitized data, wherein the method is implemented in a disc player for audio and audio-visual media. Col. 4:6-28. Therefore, it would be obvious to one of ordinary skill in the art at the time the invention was made for the arrangement for performing the method of claims 1 and 2 to be a disc player for audio and audio-

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visual media. One would be motivated to do so to manage the reproduction of audio-visual data as known to one of ordinary skill in the art. The aforementioned cover the limitations of claims 18 and 20-22.

30. As per claims 19, 23 and 24, the rejections of claims 3 and 4 under 35 USC 102(e) as being anticipated by Chang is incorporated herein. Chang does not disclose the arrangement for performing the method of claims 3 and 4 is a disc player for audio and audio-visual media. However, it is well known in the art to provide watermarking protection schemes embedded in a disc player for audio and audio-visual media. For example, Bloom discloses a method for data preparation and watermark insertion to manage copy generation of digitized data, wherein the method is implemented in a disc player for audio and audio-visual media. Col. 4:6-28. Therefore, it would be obvious to one of ordinary skill in the art at the time the invention was made for the arrangement for performing the method of claims 3 and 4 to be a disc player for audio and audio-visual media. One would be motivated to do so to manage the reproduction of audio-visual data as known to one of ordinary skill in the art. The aforementioned cover the limitations of claims 19, 23 and 24.

Conclusion

31. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See enclosed PTO-892.

Communications Inquiry


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jung W. Kim whose telephone number is 571-272-3804. The examiner can normally be reached on M-F 9:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on 571-272-3799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jk
November 24, 2006


KAMBIZ ZAND
PRIMARY EXAMINER